

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: Anthony C Gorham

Case No.: 17-10863-SLM
Judge: Meisel

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

Original
 Motions Included

Modified/Notice Required
 Modified/No Notice Required

Date: September 26, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

DOES DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

DOES DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

DOES DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Part 1: Payment and Length of Plan

a. The debtor shall pay 2,400.00 Monthly to the Chapter 13 Trustee, starting on February, 2017 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

Future Earnings
 Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

Sale of real property
Description:
Proposed date for completion: _____

Refinance of real property:
Description:
Proposed date for completion: _____

Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection NONE

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Internal Revenue Service	Taxes and certain other debts	22,775.53
State of New Jersey	Taxes and certain other debts	115.19

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

None

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

-NONE-					
b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: <input checked="" type="checkbox"/> NONE					
The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:					
Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					
c. Secured claims excluded from 11 U.S.C. 506: <input checked="" type="checkbox"/> NONE					
The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:					
Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation	
-NONE-					
d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments <input type="checkbox"/> NONE					
1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.					
NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.					
Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral
Ditech Financial LLC	378 Valley Street Unit A1 South Orange, NJ 07079	173,763.74	60,000.00	None	60,000.00
Shellpoint, servicer for Bank of New York Mellon	378 Valley Street Unit A6 South Orange, NJ 07079	102,872.00	45,000.00	None	45,000.00
Real Time Resolutions, agent for Bank of New York Mellon	378 Valley Street Unit A6 South Orange, NJ 07079	25,322.94	45,000.00	102,872.00	0.00
2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.					

e. Surrender NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C. 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

f. Secured Claims Unaffected by the Plan NONE

The following secured claims are unaffected by the Plan:

Creditor
Thrift Investment Corp

g. Secured Claims to be Paid in Full Through the Plan NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
State of New Jersey Division of Taxation	Miscellaneous Personal Property itemized on Schedule B	5,819.84
Raine Gardens Condominium Association	378 Valley Street Unit A1 South Orange, NJ 07079 Essex County	4,000.00
Raine Gardens Condominium Association	378 Valley Street Unit A1 South Orange, NJ 07079 Essex County	1,000.00

Part 5: Unsecured Claims NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- Not less than \$____ to be distributed *pro rata*
- Not less than ____ percent
- Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
-NONE-				

Part 7: Motions NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Asset Acceptance LLC	378 Valley Street Units A1 & A6 South Orange, NJ 07079	Judgment Lien	1,468.00	60,000.00	0.00	199,735.22	ALL
Avco Financial Services	378 Valley Street Unit A1 & A6 South Orange, NJ 07079	Judgment Lien	389.11	60,000.00	0.00	200,814.11	ALL
Calvary Portfolio Servicves	378 Valley Street Unit A1 & A6 South Orange, NJ 07079	Judgment Lien	4,483.00	60,000.00	0.00	196,720.22	ALL
NCEP LLC	378 Valley Street Unit A1 & A6 South Orange, NJ 07079	Judgment Lien	963.00	60,000.00	0.00	200,240.22	ALL
Portfolio Recovery Associates LLC	378 Valley Street Unit A1 & A6 South Orange, NJ 07079	Judgment Lien	0.00	60,000.00	0.00	201,203.22	ALL

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Real Time Resolutions, agent for Bank of New York Mellon	378 Valley Street Unit A6 South Orange, NJ 07079	25,322.94	45,000.00	102,872.00	0.00	ALL

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Ditech	378 Valley Street Unit A1 South Orange, NJ 07079	173,763.74	60,000.00	60,000.00	113,763.74
Shellpoint Mortgage Se	378 Valley Street Unit A6 South Orange, NJ 07079	102,872.00	45,000.00	45,000.00	57,872.00

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- Upon Confirmation
- Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims

The Standing Trustee is, is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: February 13, 2017.

Explain below why the plan is being modified: to include treatment for claim from Real Time Resolutions	Explain below how the plan is being modified: adding Real Time Resolutions to plan
--	---

Are Schedules I and J being filed simultaneously with this modified Plan? Yes No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures

- NONE
- Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date September 26, 2017

/s/ Scott E. Tanne

Scott E. Tanne st2477

Attorney for the Debtor

Date: September 26, 2017

/s/ Anthony C Gorham

Anthony C Gorham

Debtor

Date:

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date September 26, 2017

/s/ Scott E. Tanne

Scott E. Tanne st2477

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: September 26, 2017

/s/ Anthony C Gorham

Anthony C Gorham

Debtor

Date:

Joint Debtor

Certificate of Notice Page 8 of 9
United States Bankruptcy Court
District of New Jersey

In re:
Anthony C Gorham
Debtor

Case No. 17-10863-SLM
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf901

Page 1 of 2
Total Noticed: 39

Date Rcvd: Sep 27, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 29, 2017.

db +Anthony C Gorham, P.O. Box 581, South Orange, NJ 07079-0581
cr +DITECH FINANCIAL LLC, Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100,
Mt. Laurel, NJ 08054-3437
cr +The Bank of New York Mellon FKA The Bank of New Yo, 15 South Main Street, #400,
Greenville, SC 29601-2767
516594566 +Avco Financial Services, POO Box 19701, Irvine, CA 92623-9701
516833795 BONY as trustee CWALT Inc. ALT 2005-52CB, Shellpoint Mortgage Servicing, PO BOX 10826,
Greenville, SC 29603-0826
516594569 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
(address filed with court: Capital One, 15000 Capital One Dr, Richmond, VA 23238)
516594568 +Capital One, Po Box 30285, Salt Lake City, UT 84130-0285
516661744 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
516594570 +Chase Card, P.o. Box 15298, Wilmington, DE 19850-5298
516594571 +Court Officer, Essex County Special Civil Part, Historic Courthouse,
470 Dr. Martin Luther King Jr. Blvd, Newark, NJ 07102-1734
516594573 +++++DITECH, 332 MINNESOTA ST STE E610, SAINT PAUL MN 55101-1311
(address filed with court: Ditech, 332 Minnesota St Ste 610, Saint Paul, MN 55101)
516594574 +Equifax, PO BOX 740241, Atlanta, GA 30374-0241
516594576 +Experian, PO BOX 9701, Allen, TX 75013-9701
516727037 +Midland Credit Management, Inc. as agent for, Asset Acceptance LLC, Po Box 2036,
Warren MI 48090-2036
516594583 +Raine Gardens Condominium Association, c/o Cornerstone Property Managment, 454 Morris Ave.,
Springfield, NJ 07081-1158
516594582 +Raine Gardens Condominium Association, c/o Alliance Property Management, PO Box 2207,
Morristown, NJ 07962-2207
516594587 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State of New Jersey, Department of Treasury,
Division of Taxation, PO Box 245, Trenton, NJ 08695-0245)
516594584 +Shellpoint Mortgage Se, 75 Beattie Pl Ste 300, Greenville, SC 29601-2138
516594585 +Slingerland & Slingerland, 658 Ridgewood Rd., PO Box 276, Maplewood, NJ 07040-0276
516594586 Solomon & Solomon PC, Columbia Circle, BOX 15019, Albany, NY 12212-5019
516594588 +Thrift Investment Corp, 720 King George Post Rd, Fords, NJ 08863-1985
516594589 +Trans Union, PO BOX 2000, Chester, PA 19022-2000

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Sep 27 2017 22:53:23 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Sep 27 2017 22:53:20 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
516594565 E-mail/Text: BANKRUPTCY@ASSETACCEPTANCE.COM Sep 27 2017 22:53:15 Asset Acceptance LLC,
PO BOX 2036, Warren, MI 48090-2036
516594567 +E-mail/Text: bankruptcy@cavps.com Sep 27 2017 22:53:42 Calvary Portfolio Serivces,
500 Summit Lake Drive, Valhalla, NY 10595-2322
516648931 +E-mail/Text: bankruptcy@cavps.com Sep 27 2017 22:53:42 Cavalry SPV I, LLC,
500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
516594572 +E-mail/Text: bankruptcy.bnc@ditech.com Sep 27 2017 22:53:07 Ditech, Attn: Bankruptcy,
PO Box 6172, Rapid City, SD 57709-6172
516772218 E-mail/Text: bankruptcy.bnc@ditech.com Sep 27 2017 22:53:07
Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,
Rapid City, South Dakota 57709-6154
516594575 +E-mail/Text: bknotice@erccollections.com Sep 27 2017 22:53:27 ERC/Enhanced Recovery Corp,
8014 Bayberry Rd, Jacksonville, FL 32256-7412
516594577 E-mail/Text: cio.bncmail@irs.gov Sep 27 2017 22:52:52 Internal Revenue Service,
PO Box 7346, Philadelphia, PA 19101-7346
516594578 E-mail/PDF: AIS.credigy.ebn@americaninfosource.com Sep 27 2017 22:55:16 NCEP LLC,
2877 Paradise Road, Unit 303, Las Vegas, NV 89109-5239
516594580 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 27 2017 23:01:01
Portfolio Recovery, 120 Corporate Blvd Ste 1, Norfolk, VA 23502
516594579 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 27 2017 23:16:04
Portfolio Recovery, Po Box 41067, Norfolk, VA 23541
516594581 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 27 2017 22:55:37
Portfolio Recovery Associates LLC, PO BOX 12914, Norfolk, VA 23541
516705325 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 27 2017 22:55:36
Portfolio Recovery Associates, LLC, c/o The Home Depot, POB 41067, Norfolk VA 23541
516755646 E-mail/Text: bnc-quantum@quantum3group.com Sep 27 2017 22:53:12
Quantum3 Group LLC as agent for, Second Round Sub LLC, PO Box 788,
Kirkland, WA 98083-0788
516808268 E-mail/Text: bkdepartment@rtresolutions.com Sep 27 2017 22:53:37
Real Time Resolutions, Inc., 1349 Empire Central Drive, Suite #150,
Dallas, Texas 75247-4029
516657607 +E-mail/PDF: gecscedi@recoverycorp.com Sep 27 2017 22:54:52 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 39

Date Rcvd: Sep 27, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center
(continued)

TOTAL: 17

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
516718487* ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State of New Jersey, Division of Taxation, Bankruptcy Section,
PO Box 245, Trenton, NJ 08695-0245)
TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '++++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 29, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 26, 2017 at the address(es) listed below:

Andrew L. Spivack on behalf of Creditor DITECH FINANCIAL LLC nj.bkecf@fedphe.com
Denise E. Carlon on behalf of Creditor BAC BONY (CWALT 2005-52CB) dcarlon@kmllawgroup.com,
bkgroup@kmllawgroup.com
Denise E. Carlon on behalf of Creditor The Bank of New York Mellon FKA The Bank of New York,
et. al. dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com
James Patrick Shay on behalf of Creditor DITECH FINANCIAL LLC james.shay@phelanhallinan.com
Marie-Ann Greenberg magecf@magttrustee.com
Nicholas V. Rogers on behalf of Creditor DITECH FINANCIAL LLC nj.bkecf@fedphe.com
Scott E. Tanne on behalf of Debtor Anthony C Gorham info@tannelaw.com, clerk@tannelaw.com
Steven P. Kelly on behalf of Creditor The Bank of New York Mellon FKA The Bank of New York,
et. al. skelly@sterneisenberg.com, bkecf@sterneisenberg.com
U.S. Trustee USTPRRegion03.NE.ECF@usdoj.gov

TOTAL: 9